

STATEMENT OF DAVID L. WRIGHT

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LOCAL 918 – NPPD UNION

“THE CHEMICAL FACILITIES ANTI-TERRORISM STANDARDS
PROGRAM: ADDRESSING ITS CHALLENGES AND FINDING A WAY
FORWARD”

BEFORE THE

HOUSE COMMITTEE ON HOMELAND SECURITY

SUBCOMMITTEE ON CYBERSECURITY, INFRASTRUCTURE

PROTECTION AND SECURITY TECHNOLOGIES

U.S. HOUSE OF REPRESENTATIVES

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Chairman Lungren, Ranking Member Clarke and Members of the Subcommittee:

My name is David Wright. I am the President of Local 918, the National Protection and Programs Directorate Union affiliated with the American Federation of Government Employees (AFGE). I am also an Inspector with the Federal Protective Service (FPS) within National Protection and Programs Directorate (NPPD). In March 2011, AFGE was named as the exclusive bargaining unit representative of the Chemical Security Inspectors (CSI's) as result of Federal Labor Relations Authority certification. AFGE then delegated the responsibility to represent the CSI's to Local 918. Up until that point, AFGE Local 918 had represented FPS employees since April 2006.

I am here today to express AFGE Local 918's commitment to the Mission and to work with NPPD – as I have repeatedly committed to Undersecretary Beers and Agency leaders. I appreciate the opportunity to speak to the Subcommittee on this critical homeland security issue.

As of today, I have not been given the opportunity to review the internal report written by Director Penny Anderson that – at least in part - generated this Hearing. My definite knowledge of the contents of the internal report is limited to what I have read in the FoxNews articles in December, 2011. From what I have been able to glean from the articles, the issues are precisely the types of issues than can be addressed effectively in a good labor/management relationship. The Agency's policies and procedures can only be addressed thoroughly by taking into account the perspective of the field level workforce that accomplishes the work on a daily basis. In my federal experience as a subordinate employee, as a mid –level manager and as a union official – it is my firm opinion that to ensure that the workforce is forthcoming and thorough in their input, they must be consulted by the Agency and unafraid of retaliation.

A working example of Union participation in Agency process is AFGE Local 918's report to appropriate authorities of the failed FPS Risk Assessment Management Program (RAMP). The failure of the RAMP Program has since been well documented by the Government Accountability Office (GAO). One clear indication from GAO reports is that FPS failed to meaningfully consult with the field level FPS Inspectors who would accomplish the bulk of the work – a consultation that could have saved millions of dollars on an ill –conceived, poorly designed and ultimately non-functional computer program. Without the workforce disclosures and protection of members by the Union, the expenditures on the RAMP Program would likely have been ongoing.

Other accomplishments resultant of the good labor/management relationship at NPPD and FPS are recent policy/procedure changes that were vital to accomplishment of the FPS Mission - a national firearms policy and a national law enforcement jurisdiction/authority policy. The FPS draft firearms policy was presented to the Union at the “predecisional stage” at the FPS Policy Review Committee level – at the same time as Agency senior official's opportunity to comment. The Union's questions were answered and the policymaking process went forward without delay on the Union's part. Answers to complex questions surrounding FPS authority and jurisdiction and policy are vital to

the street level workforce that operates daily with a variety of jurisdictional gray areas. The Union gathered the input and provided to Agency. The Agency attorneys considered the workforce input and drafted a policy easily interpreted by managers and individual law enforcement officers. That policy was implemented without Union delay.

While there is some contention at the ISCD/IP level, the AFGE Local 918 labor/management relationship with NPPD officials is overall cooperative and effective - in direct conflict with what has been reported in the media as result of Director Anderson's leaked "internal report". The conflict ranges from outright exaggeration of bargaining issues (vehicle mileage log issues) to the implied Agency inability to implement critical policy and procedure due to a Union workforce.

The effective NPPD labor/management relationship is evidenced by the union contract, my weekly contacts with NPPD Employee and Labor Relations and my attendance at quarterly Labor/Management Forums. I have pledged cooperation at national level meetings with (then) Acting IP Director Rick Driggers (May 3, 2011), ISCD/IP Director Penny Anderson (September 30, 2011) and Undersecretary Beers (November 29, 2011). Each time, I have indicated the Union's readiness to remedy any perceived Union roadblocks in support of the CFATS Program. After the leaked report, I met with Director Anderson, Deputy Director Wulf and (then) Assistant Secretary Todd Keil on January 19, 2012 in the presence of senior Union leadership and NPPD Human Capital officials. It was reiterated that successful accomplishment of the CFATS Mission is our first priority – and that while we would expect an opportunity to give meaningful input - there would be no Union roadblock to expediting implementation of critical homeland security policies and procedures. I have indicated numerous times that the labor contract contains the following provision that allows for expedited implementation of Mission critical policies and procedures:

ARTICLE 9 – IMPACT BARGAINING AND MID-TERM BARGAINING

D. POST-IMPLEMENTATION BARGAINING. The Parties agree that effective management of the Agency and its resources is a mutual concern. The Parties also agree that on certain limited occasions, there may be a need for expedited implementation of new policies or practices affecting conditions of employment. The provisions of this Article apply to such situations. It is understood, however, that nothing in this Article precludes the Agency and the Union from engaging in post implementation bargaining if mutually agreeable.

Given the union contract in place, the union has limiting timeframes that ensure negotiations and implementation in a relatively short time. The issue of delays in workplace bargaining must also be considered in the context of the Agency bureaucracy and lack of timeliness. A very recent example was an issue presented to the Union last week. What would normally have been deemed as a "negotiable change in working conditions" - the cessation of the ISCD Hazardous Materials certification and medical monitoring of employees - was presented to the Union. In my limited research, I determined that the actual ISCD Hazardous Materials certification program has been technically and functionally dormant – if not dead - since at least mid -2011. This matter

is an indication of the slow bureaucratic pace that is frustratingly normal in Agency business.

The present CSI workforce had accomplished much groundwork to assess the security of the nation's chemical facilities prior to Director Penny Anderson's arrival in July 2011. That groundwork and industry outreach by the Inspector workforce has resulted in acceptance by private industry and hundreds of chemical facilities reducing storage of dangerous chemicals that could be used in a criminal or terrorist attack. Elimination of this Agency at this point would result in about 100 "boots on the ground", front line Inspectors being placed out of work around the nation. Many of the Inspectors and managers are former FPS Inspectors who were lured away from their federal law enforcement careers. Many CSI's have experience in private industry and are highly educated. All applied to NPPD/ISCD with the promise of building a new homeland security agency dedicated to closing a potentially devastating gap in the nation's security network – the storage of mass amounts of hazardous chemicals at the nation's chemical facilities.

Despite the insults and negative insinuations by the media reliant on the Director Anderson's seemingly anti-employee internal report, despite the ongoing laborious attempts to redefine the work process - and despite overwhelming Human Capital issues - each bargaining unit employee is dedicated to assessing and ultimately regulating security of hazardous chemical storage at these facilities.

In closing, I have been asked by the workforce to advise you and the American public that the NPPD/ISCD/IP Chemical Security Inspector workforce is qualified, willing, ready and able to accomplish the critical task of assessing security at the nation's chemical facilities. AFGE Local 918 has repeatedly declared its cooperation to the Agency in moving forward. We are now making that commitment to you - it is incumbent on Congress and DHS leadership to mark that path forward.

I thank the Subcommittee for the attention to this critical Homeland Security issue.